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Of Attorneys for Plaintiff Soothing Touch, LLC and Sat Kartar S. Bird

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

SOOTHING TOUCH, LLC, a New Mexico
Limited Liability Company; and **SAT**
KARTAR S. BIRD, a New Mexico Resident,

Plaintiffs,

v.

GOLDEN TEMPLE OF OREGON, LLC,
an Oregon Limited Liability Company, and
KARAM SINGH KHALSA, an Oregon
Resident,

Defendants.

Civil No. 3:10-cv-421-BR

**DECLARATION OF SAT KARTAR S.
BIRD IN SUPPORT OF PLAINTIFFS'
MOTION TO DEPOSIT FUNDS INTO
COURT**

I, SAT KARTAR S. BIRD, hereby declare as follows:

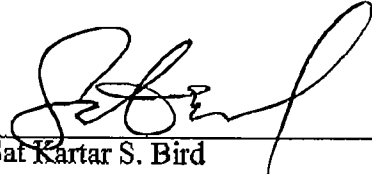
1. I am the Plaintiff in the above-referenced matter.
2. On November 6, 2006, and on behalf of Soothing Touch, LLC, I negotiated and executed an Asset Purchase Agreement with Karam Singh Khalsa, a representative of Golden Temple of Oregon, Inc., which later became Golden

Temple of Oregon, LLC. Subsequently, we executed an Equipment Purchase Agreement on February 8, 2007.

3. As part of the Asset Purchase Agreement, I agreed that Soothing Touch would pay \$1,300,000 to Golden Temple. Of this amount, \$400,000 was paid in cash at closing, and the remaining \$900,000 was secured by a Promissory Note, for which I signed a personal guaranty.
4. Soothing Touch is current on all the payments owed pursuant to this Promissory Note. Golden Temple, however, has failed to fulfill its contractual obligations under the Asset Purchase Agreement.
5. Soothing Touch's next monthly payment in the amount of \$10,594.82 under the Promissory Note is due on May 11, 2010, and the same amount will become due on the 11th of each month thereafter.

I declare the foregoing under penalty of perjury under the laws of the United States.

DATED: April ²⁶29, 2010.


Sat Kartar S. Bird

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DECLARATION OF SAT KARTAR S. BIRD IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER TO DEPOSIT FUNDS INTO COURT** was served on:

Vicki Smith
LANE POWELL PC
601 SW Second Avenue
Suite 2100
Portland, OR 97204-3158
Tele: (503) 778-2138
Fax: (503) 778-2200
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Of Attorneys for Defendants

by the following indicated methods or methods:

- ☐ **ELECTRONIC MAIL** – CM/ECF notice of electronic filing.
- ☒ by **MAILING** a full, true and correct copy thereof in a sealed, postage-paid envelope, addressed as shown above, and deposited with the U.S. Postal Service at Portland, Oregon, on the date set forth below.
- ☐ by causing a full, true and correct copy thereof to be **HAND-DELIVERED** to the party, at the address listed above on the date set forth below.
- ☐ by causing a full, true and correct copy thereof by **ELECTRONIC MEANS** to the party, at the party's last known email address listed above on the date set forth below.
- ☐ by sending a full, true and correct copy thereof via **OVERNIGHT COURIER** in a sealed, prepaid envelope, addressed to the Party as shown above, at the last known address of the attorney, on the date set forth below.
- ☐ by **FAXING** a full, true and correct copy thereof to the party, at the fax number shown above, which is the last-known fax number for the party's office, on the date set forth below.

DATED this 30th day of April 2010.

s/Carla Scott
CARLA SCOTT, OSB No. 054725
Of Attorneys for Plaintiffs